

**State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA**

Government Code § 11126 (a), (c)(3), and (e)

for

Wednesday, April 20, 2011

10:00 a.m.

Sacramento, California

&

West Covina, California

&

501 Parker Dam

Parker Dam, CA 92267

TO: Members of the California Occupational Safety and Health Appeals Board

FROM: J. Jeffrey Mojcher, Chief Counsel

DATE: April 7, 2011

RE: Closed Session of the Board to be held on April 20, 2011

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

DECISION OF ADMINISTRATIVE LAW JUDGE:

(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)

1. AC TRANSIT, 08-R1D4-4611
2. ADVANCED COMMERCIAL CONSTRUCTION, INC., 10-R6D5-2504 AND 2505
3. AGF CONSTRUCTION, 10-R3D5-3107 AND 3108
4. JAMES P. BRUINSMA DBA SUNDANCE CABINETS, 10-R6D2-0833 THROUGH 0837
5. LEGACY CABINETS, INC., 10-R6D2-1177 THROUGH 1181

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ORDERS OF ADMINISTRATIVE LAW JUDGES:

(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)

1. ALT'S TOOL & MACHINE, 10-R6D2-2986 THROUGH 2988 and 10-R6D2-3266
2. JOSEPH ANTICEVIC & IGNACIO CORDERO DBA C & R FARMS,
11-R3D3-0175 AND 0176
3. ATHERSTONE FOODS, INC. DBA GLASS ONION CATERING, 10-R1D4-0002
4. BUDGET ELECTRICAL CONTRACTORS, INC. DBA BEC, 10-R3D3-3668
5. CLARK CONTRACTORS, INC., 10-R6D5-4133 AND 4134
6. COUNTY OF L.A. DEPT. OF MENTAL HEALTH, 10-R4D2-4029
7. FIVE CITY AUTOMOTIVE REPAIR CENTER DBA CYPRESS AUTO TOW,
11-R3D1-0351
8. FLATIRON CONSTRUCTION CORP., 10-R3D6-3017 AND 3018
9. FRAZIER MASONRY CORP., 10-R3D3-3898
10. GREEN LEAF POOL REPAIR, 11-R3D2-0053 AND 0054
11. GREEN THUMB PRODUCE, INC., 10-R3D3-3590 AND 3591
12. JDW QUALITY CONSTRUCTION, INC., 09-R6D7-3692 THROUGH 3697
13. KOOSHAREM CORPORATION DBA SELECT STAFFING, 10-R2D4-0084
14. KVL HOLDINGS, INC. DBA SMITH & HOOK, HAHN ESTATES, INC.,
10-R1D2-0028 AND 0029
15. L.A. COUNTY COMPTON FAMILY MENTAL HEALTH, 10-R4D2-4076
16. LAEGER'S RACING, 10-R3D2-3069
17. MAGMA, INC., 10-R6D2-4087 THROUGH 4097
18. MERIDIAN CONSTRUCTION, 10-R3D6-3249 AND 3250
19. ORANGE COUNTY SHERIFF-CORONER, 10-R3D1-2366

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20. PERKINS PAINTING & CUSTOM COATINGS, 10-R6D5-4000
21. QUALITY STRUCTURES, INC., 10-R3D2-2263 AND 2264
22. RAY PIERCE PRODUCTIONS, 10-R4D1-0558
23. SAFEWAY, INC. DBA THE VONS COMPANIES, INC., 10-R3D2-1428 AND 1429
24. SAN GABRIEL VALLEY TRAINING CENTER & WORKSHOP FOR HANDICAPPED, INC., 10-R3D6-3508 AND 3509
25. SEVEN-UP/RC BOTTLING COMPANY, INC., 10-R3D3-3147 AND 3148
26. SPRUCE GROVE, INC. DBA LOMA LINDA SPRINGS, 10-R3D3-3585 THROUGH 3588
27. SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL, 10-R3D2-2895
28. TRIANGLE BILLARDS, INC., 10-R6D2-2501
29. TWF CONSTRUCTION, INC. DBA SELECTBUILD, 10-R3D3-3834 AND 3835
30. UNYEWAY INCORPORATED, 11-R3D2-0382
31. VITAGOLD BRANDS CO-OPERATIVE ASSOCIATION, 10-R3D2-3533
32. WILLIAM'S PAINTING, INC., 10-R6D5-2997

ORDERS DISMISSING APPEALS:

1. KELLEY FLEET SERVICES, 09-R6D1-4134
2. SECURITY PAVING COMPANY, INC., 10-R4D3-1920 THROUGH 1922 and 10-R4D3-3235 AND 3236
3. THE SELECT FAMILY OF STAFFING COMPANIES DBA SELECT, 09-R6D1-3086
4. WHITE HAWKE, INC., 09-R1D4-0346 AND 0647

ORDER GRANTING LEAVE TO FILE LATE APPEAL:

1. ALPHA OMEGA QUALITY PAINTING AND DECORATING, 11-R1D4-0693

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AND 0694

ORDERS DENYING LEAVE TO FILE LATE APPEALS:

1. JOHN NICHOLAS CARPENTIERI, 11-R4D3-9066
2. STAUFFERS LANDSCAPE, INC., 11-R3D3-9067

ORDER AFTER REMAND:

1. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930

PETITION FOR RECONSIDERATION:

1. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960

DECISIONS AFTER RECONSIDERATION (DRAFTS):

(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)

1. A & C PALLETS, 10-R6D5-1687 AND 1688
2. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
3. AC TRANSIT, 08-R1D4-0135
4. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
5. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
6. ANNING-JOHNSON COMPANY, 06-R1D3-1976
7. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
8. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
9. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO.,
09-R6D2-2239 THROUGH 2241
10. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
11. BURRTEC WASTE INDUSTRIES, INC., 10-R3D3-9222
12. BURTON L. SILVA FARMS, 09-R1D2-1498

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13. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
14. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
15. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
16. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
17. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
18. CLINE CELLARS, INC., 08-R1D5-2946
19. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
20. COMMERCIAL METAL FORMING, 09-R3D1-1592
21. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
22. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
23. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
24. JOSEFF-HOLLYWOOD, 09-R6D2-3914 THROUGH 3919
25. DESIGN BUILDERS, INC., 08-R4D4-1901
26. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
27. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
28. DUKE PACIFIC, INC., 08-R3D3-574
29. DUININCK BROS., INC., 06-R4D3-2871
30. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,
09-R6D2-2325 THROUGH 2332
31. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
32. EZ MIX, INC., 08-R4D3-1898
33. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
34. FORTUNA IRON WORKS 06-R2D3-4222
35. G.T. ALDERMAN, INC., 05-R4D3-3513

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36. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
37. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
38. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3678
39. HB PARKCO, 07-R4D2-1730 AND 1731
40. THE HERRICK CORP., 07-R3D1-495
41. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
42. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
43. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
44. JENSEN PRECAST, 05-R2D1-2377
45. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
46. KELLY SERVICES, INC., 06-R1D2-1024
47. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
48. LA MINA CANTINA, 09-R2D5-0039
49. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
50. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
51. LION RAISINS, INC., 08-R2D5-2253 AND 2254
52. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
53. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
54. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
55. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR
08-R6D5-3466 AND 3467
56. MARINE TERMINALS, 08-08-R6D2-1920
57. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
58. MILLENIUM GENERATION, INC., 08-R4D3-5047

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59. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
60. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
61. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
62. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
63. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
64. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
65. POUK & STEINLE, INC., 09-R3D3-0491
66. R & L BROSAMER, INC., 03-R1D5-4832
67. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
68. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
69. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
70. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
71. SANTA PAULA HARVESTING, 09-R4D3-0510 THROUGH 0514
72. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
73. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
74. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
75. SMUD, 08-R2D1-4887 THROUGH 4889
76. MARTIN J. SOLIS, DBA SOLIS FARM LABOR, 08-R2D1-3415
77. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
78. STACY & WITBECK, INC., 05-R1D1-1142
79. SUNOPTA FRUIT GROUP, 09-R3D1-9245
80. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850

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81. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
82. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT AGGREGATES, 04-R5D2-850 AND 851
83. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650 AND 2651
84. UNITED PARCEL SERVICE, 07-R3D3-3322
85. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
86. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710

PENDING LITIGATION:

(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)

SUPERIOR COURT:

1. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
2. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
3. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB), 34-2007-00882192-CU-WM-GDS, (01-3261)
4. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB) (00-440)
5. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
6. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
7. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
8. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
9. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430 (09- 9280/9281)
10. FRESNO PRODUCE, CO., INC., 10CECG02394 (10-R6D1-9064)

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11. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047 (07-R5D1-3611)
12. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
13. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)
14. SMUD, 34-2010-80000723 (08-R2D1-4887)
15. CAL ENERGY OPERATING CORP., 34-2010-80000735 (09-R3D2-3675 & 3676)
16. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
17. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
18. RATTO BROS., INC., 663050 (10-R6D3-9291)

COURT OF APPEAL

1. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)
2. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)

OTHER LEGAL MATTERS

(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)

1. SENATE BILL 829

PERSONNEL:

(Issues regarding staff)

Any matter not completed at this Closed Session may be continued to subsequent meetings.